

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mack Glenn, Jr.,)	C/A No. 3:11-1055-JFA-JRM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Tony Seyfer, Individual and Official Capacity,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Mack Glenn, Jr., brings this action pursuant to 42 U.S.C. § 1983 claiming violations of his constitutional rights surrounding the defendant's towing/wrecker service of the plaintiff's truck when it ran out of gas.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss this action without prejudice. Specifically, the Magistrate Judge opines that the plaintiff is suing a private citizen whose conduct did not amount to that of a state actor, as is required to bring an action under § 1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation. The plaintiff filed a two-page objection memorandum. The plaintiff's

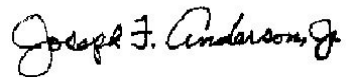
¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

response generally objects to Report and reiterates the claims he made in the original complaint. The objections are respectfully overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 9, 2011
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge